

COHEN & GREEN

March 29, 2024

Hon. Ona T. Wang
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing.

Re: Case No. 22-cv-01445, Rodney v City of New York, et al.

Dear Judge Wang:

As the Court likely recalls, my firm, with co-counsel, represents Plaintiff in the case above. As directed by the Court, because today is the last Friday of the month, below is Plaintiff's monthly status report.¹

As it stands, outside of the ESI-related letter (ECF No. 190) and the update on the Circuit's handling of *Reyes v. City of New York* (23-CV-6369) (ECF No. 191), there are no new updates. That is, Defendants still have not told Plaintiff when to expect the first "production on a rolling basis" (2024-02-08 Tr. 15:19-23) or made that production. Nor has Plaintiff heard "whether any Defendants remember communications outside of the time range proposed" (ECF No. 190 at 1). And likewise, Defendants have not indicated whether they are going to run the remaining, disputed search terms solely for the purpose of generating a hit report so the parties can see if there is even anything to fight over. *See* ECF No. 190 at 2. Plaintiff would be eager to hear an update from Defendants on what is going on with all of those issues in their status letter. *But see* n. 1 below.

Beyond that, Plaintiff notes that the issues identified in ECF No. 185² as well as in the chart in ECF Nos. 184 and 184-1 remain open.

¹ Plaintiff also takes this opportunity to note that Defendants have generally not been filing their letters since the November conference where the Court directed "defendants will write their own status letter" for the purpose of getting the "city's view" on what is going on." 2023-11-16 Tr. at pp. 33-34. So far, however, Defendants did not file a status letter for November, January (Defendants asked for an extension for their December letter, and filed the December letter in January), or February. Plaintiff has even indicated she "look[s] forward to seeing Defendants' perspective" in her own letters. ECF No. 155 at 1. But if the pattern continues this month, Defendants will have failed to file the Court-directed letter three out of the four times it was due.

² As noted in ECF No. 185, Plaintiff "intends to make motion in the absence of some other resolution" of Defendants' three separate document responses falsely stating there was no IAB investigation, for substantially the reasons explained in *Jenkins v Woody*, 2017 US Dist LEXIS 9581, at *48-49 (ED Va Jan. 21, 2017). ECF No. 185 at 3.



As always, we thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

COHEN&GREEN P.L.L.C.

Attorneys for Plaintiff

1639 Centre St., Suite 216

Ridgewood, New York 11385

cc:

All relevant parties by electronic filing.